

EXHIBIT 1

PRESIDENTIAL PARDONS

“YOU ARE A CRIMINAL”: THE DOUBLE STANDARD OF A TRUMP PARDON FOR SILK ROAD FOUNDER ROSS ULBRICHT

The president is considering a pardon for the founder of Silk Road, once the world’s biggest illegal drug marketplace, which sold everything from cocaine to cyanide. It’s a chance afforded to few, including the nearly half a million drug offenders currently behind bars. So should it be afforded to him?



BY NICK BILTON

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Fake ID cards that the government says were ordered by Ross Ulbricht. FROM THE UNITED STATES ATTORNEY'S OFFICE, SOUTHERN DISTRICT OF NY/THE NEW YORK TIMES/REDUX.

The origin story of **Ross Ulbricht** is no different to any story in Silicon Valley. It's that of a young, smart, well-educated man, who grew up in an upper-middle-class suburb and had an idea that would change the world. Other men like him started services like Uber to disrupt the taxi business, Airbnb to disrupt hotels, or Yelp to disrupt the restaurant industry. Ulbricht chose to disrupt the drug market —illegal drugs. Ulbricht's start-up, which he called the Silk Road, matched drug buyers and drug dealers, who shipped the product right to your door as if it was a box of tissues or a new book, and like Amazon, he took a small commission. Unlike **Travis Kalanick** of Uber, or **Brian Chesky** of Airbnb, Ulbricht, who went by "the Dread Pirate Roberts" (a reference to *The Princess Bride*) as a secret sobriquet, was eventually caught in a public library in San Francisco and sentenced to spend the rest of his life in jail.

On Tuesday, the **Daily Beast reported** that **Donald Trump** was exploring pardoning Ulbricht, writing that Trump "has at times privately expressed some sympathy for

Ulbricht's situation and has been considering his name, among others, for his next round of commutations and pardons." According to a government official who was involved in the case against Ulbricht, the reports are indeed true, and Trump is indeed mulling a pardon. There are several reasons why this could be. Ulbricht's mother, **Lyn**, has been on an understandable and persistent campaign to see her son freed from jail, and has traveled across America, meeting with politicians and supporters, trying to nullify his conviction. And, for some, Ulbricht has long been a cause celebre, lumped in with **Julian Assange** and **Edward Snowden** as people who, from behind a computer, crossed legal boundaries but with altruistic goals in mind. Supporters of Assange point out that he was simply trying to show atrocities being committed by the government; Snowden was driven by a desire to expose the fact that NSA was spying on its own citizens, and Ulbricht was trying to help people from being hurt in drug deals gone awry. The three men are often supported by the libertarian superfront of left- and right-wing rejectionists who Venn diagrams of differing political viewpoints with one single overlapping belief: that anything libertarian is not illegal. For Trump, that's a good way to rally his base and gain sympathizers on the left.

After writing the book *American Kingpin* on Ulbricht and the Silk Road, I've often been asked if the punishment fits the crime—if Ulbricht should be pardoned or see his sentence commuted, given that he was punished with two life sentences plus 40 years for starting and running the Silk Road. At his trial, which I sat through for almost a month, the evidence against him was insurmountable. A juror I spoke to after the trial told me that she and her peers unanimously found Ulbricht guilty within the first few minutes of deliberations, but waited in the jury room to finish lunch, hoping to make it seem as though they had mulled his fate for longer, as they felt for his family. There wasn't a shadow of a doubt that he was the creator and operator of the Silk Road, and that the site had caused irreparable harm to others.

During the trial, we had all watched as the prosecutors presented mountains of evidence showing that Ulbricht had approved the sale of almost every drug imaginable—even to minors. That he had allowed the sale of cyanide and guns. That he had created incentives and promotions to enable more people to sell more drugs on the Silk Road, and that he had believed he would never, ever be caught. And, perhaps hardest of all for the jury to watch, that at least six people had died from drugs they had purchased on the Silk Road, including a teenager in Australia, who had had an adverse reaction to a hallucinogen and

had jumped out of a hotel window.

Given how high-profile the case was, the courtroom was often filled with more people than there were seats. On the right of the room, two dozen journalists packed in together—a mishmash of local news beat reporters, some tech journalists for big news outlets, and a few sympathetic bloggers from more esoteric crypto sites. On the left of the room sat Ulbricht's family, including his mother and father, Lyn and **Kirk Ulbricht**, and his sister, as well as supporters and friends. What we all shared in common, from the prosecutors to the journalists to the defendant's family to even the judge was that we were almost all white. Day in and day out, I would take the elevator up to the courtroom, and listen to the prosecution and the defense battle it out, arguing over the arcane details of the case, with one trying to argue that the Dread Pirate Roberts was Ross Ulbricht, and the other trying to argue that he was framed. I got into the habit of rarely leaving the courtroom at lunch, and just sitting there in the empty space for an hour and thinking about the case.

A couple of weeks into the trial, I stepped off the elevator and saw an African American woman in her early 20s, with a little baby in her arms, waiting in the hallway outside the courtroom. The baby was crying and fussing, and the woman was trying her best to hush the child with a bottle of milk. It was clear that the mother was overwhelmed by the enormity of where she was standing. As I walked into the courtroom that day, the Black woman stayed outside, and I thought nothing of it. But at lunchtime, when court was dismissed for an hour, and everyone else was gone, I watched the woman with the crying baby enter the courtroom and take a seat, alone, without anyone else around her. A little time went by, and the judge returned from her chambers, as a Black man in his early 20s was led into the courtroom, handcuffed and in a beige prison-issued jumpsuit, and he was told by two prison U.S. Marshals to take a seat. The exact seat that Ross Ulbricht had been in just 45 minutes earlier.

I remember the details of that moment as someone does when they witness a car crash:

Certain things are as clear as day, others hazy. What stands out with such clarity, even years later as I think about it now, is the way the prisoner turned, offered a hopeful and regrettable smile to the woman with the baby, and how she smiled back and blew him an equally hopeful kiss. I remember watching U.S. District Judge **Katherine Forrest**, the same judge who had been presiding over Ulbricht's trial, as she entered the courtroom again, and reviewed the paperwork of this prisoner. And I remember how eerily empty the courtroom felt. The kind of empty when you can hear someone's feet shuffle, or papers being turned.

It turned out that Judge Forrest had decided to take part of her lunch break to sentence the Black man for a drug offense for which he had been arrested, and found guilty. From what I could glean, the man had been caught in the Bronx selling cocaine, which he, or his public defender lawyer, I don't recall, had tried to explain was the only vocation available to him to feed his family, which included the woman sitting in the courtroom with the crying baby. After a couple of minutes of legalities, without an audience present, or a press gaggle, not even this man's mother and father were there, the judge sentenced him to a minimum of 25 years in prison for selling drugs. Meaning, he'd be in his 50s when, and if, he got out of jail. In the best-case scenario, that little baby would be his age in that moment when the man was freed. As he was led out of the courtroom by the U.S. Marshals, the woman with the baby rushed out, trying to fight back tears with that little baby in her arms. Ten minutes later, an ocean of white people filled the courtroom again, and Ross Ulbricht's trial resumed.

As I chronicled in my book, Ulbricht was found guilty, and sentenced to two double life sentences plus 40 years, for starting and running the Silk Road website. According to more than a dozen investigators and attorneys involved in the case who I spoke to for the book, Ulbricht's sentence could have been a lot less severe. He was offered a plea deal, which would have likely given him a decade-long sentence, with the ability to get out early on good behavior. Worst-case scenario, he would have spent five years in a medium-security prison and been freed. But, he chose to fight it. He believed that he was smarter than everyone in the room, and that he could beat them all. The problem was, he wasn't as smart as he thought: He had accidentally allowed his laptop to save almost two years of chats with his employees on the Silk Road, around 2.1 million words of discussions about drug sales, gun sales, and even murder,

when he believed he was ordering a hit on several people who threatened his empire, although it turned out those people were fictitious, and he had simply paid off scammers who were posing as hit men. In one instance, he paid off a DEA agent who was trying to skim some money for himself, to kill another employee. (The DEA agent ended up going to jail along with a rogue Secret Service agent, who were both sentenced to more than six years in prison.)

Ulbricht's supporters have tried to use every defense imaginable over the past several years to prove his innocence. At first, it was that he was framed and had absolutely nothing to do with the Silk Road website. (Hackers, they argued, had put software on his computer while he quietly worked in a public library.) Later, it was that he did indeed start the site, but that he gave the passwords to someone else long before any real drugs were purchased on there. When a new defense was needed, this time it was that he actually *did* start and run the site in its entirety, but when the hits were put out to murder people, they claimed it was another user who had logged into the site as the Dread Pirate Roberts and performed this heinous act. When my book came out, Ulbricht's mother, Lyn, summoned an army of supporters to write negative reviews of the book all over the Web, saying it was fake news, and even suggesting the book was a hit piece to help the government, that it was completely made up. Though, a year or so later, Ulbricht's team changed their tune when **my book was presented in court** as evidence that Ulbricht was wiretapped illegally.

Now, as his family and supporters try to get him a commutation, the argument is that Ulbricht was never officially charged with murder, either because the assassinations didn't actually happen, or because someone else logged into his account and ordered the hits. (The investigators on the case told me Ulbricht was not charged with the "hits" during his initial trial because the U.S. government planned to charge them in Maryland in the event his initial trial faltered. After Ulbricht's **Supreme Court appeal was denied** in 2018, the U.S. Attorney's Office officially dropped the murder-for-hire case.) Having read every single line of those 2.1 million words of chat logs with his employees, there's no question that Ulbricht was in charge of that site from the moment it was started to the moment he was caught in that library. He wasn't framed. He wasn't innocent. He was the one and only Dread Pirate Roberts.

But let's pretend, for argument's sake, that Ulbricht had nothing to do with the murders-

for-hire. That he wasn't charged with it because no one was actually killed. Should he indeed be pardoned for simply operating a website that sold drugs—over 10,000 illegal products in all to be precise, including heroin and cocaine? The same drugs that Black man was sentenced to at least 25 years in prison for selling on the streets of the Bronx? Perhaps the best answer to that question was presented by the judge who sentenced both of those men. During Ulbricht's sentencing, Judge Forrest explained how difficult it was to decide how long he should go to jail for. With the Black man from the Bronx, and hundreds of thousands of people like him who have been sentenced to unjustifiably long jail time for selling drugs the answer was easy because the laws had been written with minimums and maximums, and a judge could decide someone's fate on a lunch break because of archaic mandatory sentencing guidelines.

"You don't fit a typical criminal profile," Judge Forrest told Ulbricht **during his sentencing**. "You're educated. You've got two degrees, an intact family. And yet, we have you. And you are a criminal." She noted that Ulbricht had made an argument that he had started the Silk Road site to try and create "harm reduction" within the war on drugs, allowing people to have a safer place to buy and sell illegal wares without the worry of being harmed by dealers, or arrested by the police. For this, he reasoned, and because he did his drug dealing from a computer, not the streets, he should not be charged to the full extent of that law. But the judge disagreed: "No drug dealer from Harlem or the Bronx would have made these arguments. It's an argument of privilege."

Indeed, the rallying cry around Ulbricht being pardoned is no different. The Daily Beast article purported that Trump feels "sympathy" for Ulbricht because of his case. Putting aside that I don't believe for one second that Trump feels "sympathy" for anyone but himself, it's clear that for Trump this is a political motivation that could get him more supporters. Trump is clearly capable of pardoning people who have been sentenced to unnecessarily long jail times for drug crimes, even people of color, like **Alice Johnson**, whom he pardoned last year at the behest of **Kim Kardashian West**. But Johnson is an anomaly to the Trump administration, and more so, to the people crying for the release of Ulbricht.

I find it reprehensible that people on social media are so adamant that Ulbricht should be freed because he performed his crimes from behind a computer. That a Black man—without a smattering of Ulbricht's power, resources, education, or support network—will

spend the next two and a half decades of his life in prison for committing a fraction of the crimes that Ulbricht engaged in is not a part of that discussion, and that, to me, is an argument of privilege. If Ulbricht's supporters really cared about the war on drugs or libertarian ideals, they'd be demanding that the nearly **half a million people** currently in U.S. jails for drug offenses should be pardoned too.

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